



FW 1617

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
CHANGE OF CORRESPONDENCE ADDRESS NOTIFICATION		Docket Number: 12839/1	
Application Number 09/673,871	Filing Date April 22, 1999	Examiner S. J. Sharareh	Art Unit 1617
Invention Title SOLUTION FOR DIAGNOSING OR TREATING TISSUE PATHOLOGIES		Inventor(s) Alexandre MARTI et al.	

Commissioner for Patents
P.O. Box 1450
Alexandria Virginia 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on:

Date: June 9, 2005

By: Elizabeth M. Wieckowski
Elizabeth M. Wieckowski (Reg. No.: 42,226)

S I R:

Please direct all future communications regarding this application to:

KENYON & KENYON
One Broadway
New York, New York 10004
telephone: 212-425-7200
facsimile: 212-425-5288
CUSTOMER NO. 26646

The previous address of record was:

DAVIS & BUJOLD, P.L.L.C.
Fourth Floor
500 N. Commercial Street
Manchester, NH 0310-1151

Copies of the following documents are enclosed:

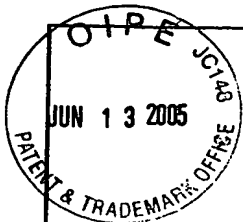
- 1) Revocation of Power of Attorney and Appointment of New Power as originally submitted on January 26, 2004;
- 2) Revocation and Power of Attorney and Appointment of New Power as resubmitted with marked up serial number that transposed the last two digits of the serial number;
- 3) Petition under 1.181 as filed on March 19, 2004; and
- 4) Petition Decision mailed on August 17, 2004.

Applicants respectfully request that the Revocation of Power of Attorney and Appointment of New Power be made of record.

Respectfully submitted,

Date: June 9, 2005

Elizabeth M. Wieckowski
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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER

Docket Number:
12839/1

Application Number
09/673,817

Filing Date
April 22, 1999

Examiner
Shahnam J.
Sharareh

Art Unit
1617

Invention Title
SOLUTION FOR DIAGNOSING OR TREATING
TISSUE PATHOLOGIES

Inventor(s)
Alexandre MARTI et al.

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above identified patent application are Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers and Appointment of New Power).

Please record the Power and change of address in this application..

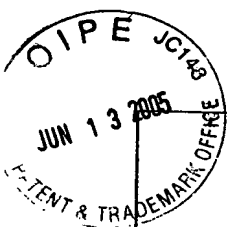
Dated: January 26, 2004

By: Elizabeth M. Wieckowski
Elizabeth M. Wieckowski (Reg. No. 42,226)

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One Broadway
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EXPRESS MAIL NO. EV 321 889761US



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**POWER OF ATTORNEY BY ASSIGNEE OF
ENTIRE INTEREST (REVOCATION OF PRIOR
POWERS AND APPOINTMENT OF NEW POWER)**

Docket Number:
12839/1

Application Number
09/673,817

Filing Date
April 22, 1999

Examiner
Shahnam J.
Sharareh

Art Unit
1617

Invention Title
SOLUTION FOR DIAGNOSING OR TREATING TISSUE
PATHOLOGIES

Inventor(s)
Alexandre MARTI et al.

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

As assignee of the entire interest of the above-identified application by virtue of an executed Assignment recorded in the U.S. Patent and Trademark Office on November 18, 2002, Reel 013494, Frame 0966, all powers of attorney previously given are hereby revoked and the following attorneys and/or agents are hereby appointed to prosecute and transact all business in the Patent and Trademark office connected therewith:

Donna M. Praiss (Reg. No. 34,232)
Richard L. DeLucia (Reg. No. 28,839)
Elizabeth M. Wieckowski (Reg. No. 42,226)

SEND CORRESPONDENCE, AND DIRECT TELEPHONE CALLS TO:

KENYON & KENYON
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New York, New York 10004
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(212) 425-5288 (facsimile)

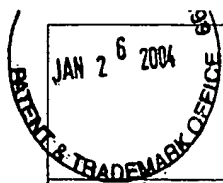
Customer No. 26646

PATENT TRADEMARK OFFICE

ECOLE POLYTECHNIQUE FEDERALE DE LAUSANNE. (EPFL)

Date: Dec 12 2003
EPFL - SRI
Service des
Relations Industrielles
CM - Ecublens
CH-1015 LAUSANNE

By: [Signature]
Name:
Title: G. Clerc
Head of SRI-EPFL



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**POWER OF ATTORNEY BY ASSIGNEE OF
ENTIRE INTEREST (REVOCATION OF PRIOR
POWERS AND APPOINTMENT OF NEW POWER)**

Docket Number:
12839/1

Application Number
09/673,817-871

Filing Date
April 22, 1999

Examiner
Shahnam J.
Sharareh

Art Unit
1617

Invention Title
SOLUTION FOR DIAGNOSING OR TREATING TISSUE
PATHOLOGIES

Inventor(s)
Alexandre MARTI et al.

Address to:
Commissioner for Patents
P.O. Box 1450
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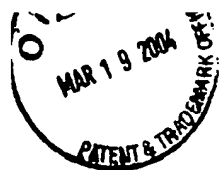
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Date: Dec 12 2003
EPFL - SRI
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CM - Ecublens
CH-1015 LAUSANNE

By: [Signature]
Name:
Title: G. Clerc
Head of SRI-EPFL



RECEIVED

MAR 25 2004

OFFICE OF PETITIONS

PATENT
12839/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Applicant(s) : Alexandre MARTI et al.
Serial No. : 09/673,871
Filed : April 22, 1999
Title : SOLUTION FOR DIAGNOSING OR TREATING TISSUE
PATHOLOGIES
Technology Center: 1600
Examiner : S. J. Sharareh

MAR 23 2004

OFFICE OF PETITIONS

Mail Stop: Petitions
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER §1.181

Sir:

Applicants hereby petition to have the Amendment Under 37 C.F.R. §1.111 filed by Express Mail No. EV 321 889 761US on January 26, 2004, together with a Declaration Under 37 C.F.R. §1.132, including Exhibits A-I and a Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers and Appointment of New Power) be considered as timely filed for the above-referenced patent application in view of the following facts.

A non-final Office Action was mailed on July 25, 2003 to Applicants' prior attorney, Davis & Bujold, P.L.L.C. The application was transferred to Applicants' current attorney in early October 2003.

In response to the July 25, 2003 Office Action, Applicants' attorney mailed by Express Mail No. EV 321 889 761US on January 26, 2004 to: "Mail Stop., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" the following documents:

03/23/2004 AWONDAF1 00000047 110600 09673871

01 FC:1460 130.00 DA

EXPRESS MAIL NO. EV321889846US 1

Copied from 09758781 on 09/22/2004

- (1) an Amendment Under 37 C.F.R. §1.111;
- (2) a Declaration Under 37 C.F.R. §1.132, including Exhibits A-I;
- (3) a Transmittal Letter and Request for Extension of Time Pursuant to 37 C.F.R. § 1.136(a), which petitioned for a three-month extension of time from October 25, 2003 to Sunday, January 25, 2004;
- (4) a Transmittal Letter for the Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers and Appointment of New Power);
- (5) a Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers and Appointment of New Power); and
- (6) original return receipt post card.

Since the period for a response fell on a Sunday, the response was timely filed under 37 C.F.R. §1.7 on Monday, January 26, 2004. The Transmittal Letter authorized the Patent Office to charge the amount of \$475.00 to deposit account 11-0600, as well as any additional fees as appropriate and/or necessary.

A copy of the entire submission is attached hereto as **Exhibit 1**. A copy of the Express Mail label dated stamped Jan. 26, 2004 is attached hereto as **Exhibit 2**. A copy of the return post card date stamped Jan. 26, 2004 is attached as **Exhibit 3**.

In a March 18, 2004 conversation with the Examiner assigned to the subject application, the Examiner indicated that the above-described response was not received. During the conversation, when Applicants' attorney verified the application serial no. listed on the filed documents as "09/673,817", it became apparent that there was a typographical error in the Serial No., which is 09/673,871, i.e. the last two digits had been inadvertently reversed. In light of the erroneous Serial No., the Examiner indicated that the filed response would likely have been sent to the application bearing Serial No. "09/673,817", which according to the Examiner, is an abandoned application.

Pursuant to the Examiner's suggestion, Applicants' attorney contacted Mr. William Dixon, a Specialist in Technical Center 1600, as to how to expeditiously match the filed response with the file and have it considered timely filed. Mr. Dixon advised Applicants'

attorney to file a Petition under §1.181 together with a copy of the originally filed submission and a statement pointing out the error that was made in the submitted documents.

In view of the above discussion of the inadvertent typographical error in the application Serial No. on all of the documents submitted with Applicants' January 26, 2004 response, Applicants respectfully request that the documents filed on January 26, 2004 be considered timely filed and that the application be passed to the Examiner for action.

In the aforementioned telephone conversation, the Examiner stated that he would not issue a Notice of Abandonment, but would await receipt of a copy of the filed documents.

The Director and Commissioner are hereby authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 \$130.00 for the Petition fee and any other fees which may be required in connection with this Petition under §1.181. The Commissioner is also authorized to charge any additional fees or credit any overpayment to Deposit Account No. 11-0600. A duplicate copy of this communication is enclosed for charging purposes.

In view of the foregoing, Applicants earnestly solicit an expeditious Decision on the Petition so that it may proceed to examination of the claims now pending in the subject application.

Conditional Petition for Revival of an Unintentional Abandonment under 37 C.F.R. §1.137(b).

Applicants hereby make a Conditional Petition for Revival of an Unintentional Abandonment under 37 C.F.R. §1.137(b).

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless it has been previously submitted;
- (2) the petition fee set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and

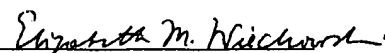
- (4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to 37 C.F.R. §1.137 (c) for a utility application filed before June 8, 1995.

A second copy of above-listed documents filed on January 26, 2004 is submitted as the reply required (Exhibit 4), with a hand written correction of the correct application Serial No. 09/673,871. Applicants respectfully request that Exhibits A-I from Exhibit 1 be considered as part of the required reply in order to avoid duplicate copies in the Patent Office file. The Commissioner is authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 the petition fee set forth in §1.17(m) and any other fees which may be required. The entire delay in filing the required reply from the due date for the reply until the filing of a grant able petition under 37 C.F.R. §1.137(b) was unintentional. The relevant facts have been discussed above. No terminal disclaimer is required since the subject application was filed after June 8, 1995.

If a telephone interview would be of assistance in resolving any issue in connection with this Petition, Applicants' undersigned attorney invites the Director or his authorized representative to telephone at the number provided below.

Respectfully submitted,

Date: March 19, 2004


Elizabeth M. Wieckowski
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212 908-6140 (Direct)
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UNITED STATES PATENT AND TRADEMARK OFFICE



AUG 17 2004

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

In re Application of :
Alexandre Marti et al :
Serial No.: 09/673,871 : PETITION DECISION
Filed: April 22, 1999 :
Attorney Docket No.: 12839-1 :

This is in response to the petition under 37 CFR 1.181, filed March 22, 2004, for acceptance of a timely filed reply. The delay in acting on this petition is regretted.

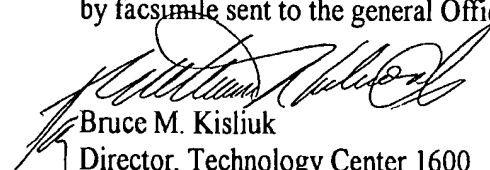
A review of the file history shows that the examiner mailed an Office action to applicants previous attorneys on July 25, 2003, setting a three month shortened statutory period for reply. Applicants engaged new attorneys in October, 2003, who replied to the Office action on January 26, 2004, (January 25, 2004, being a Sunday) including a request for a three month extension of time and fee therefore. Inadvertently the last two digits of the Serial No. were transposed and the papers were not correlated with the above application identified application. The error was discovered in March, 2004, whereupon applicants refiled the papers and this petition in view of the potential abandonment of the application. A Notice of Abandonment was never mailed in this application in view of the submission. The reply with the correct Serial No. has now been correlated with the file. In view of the timely reply no abandonment in fact occurred.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further action.

No fee is due for this petition and the petition fee paid of \$130.00 will be credited to applicants' Deposit Account No. 11-0600.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 703-308-3824 or by facsimile sent to the general Office facsimile number.


Bruce M. Kisliuk
Director, Technology Center 1600